IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6453 OF 2007

Pandit Bhauso Randive ....Petitioner
V/s
Sou. Rohini Pandurang Jarag & ors... ....Respondents.

Mr.Amit B. Borkar, Adv. for the petitioner.

CORAM: A.P.DESHPANDE, J.
12/9/07

PC:

This petition is directed against an order passed by Ad-hoc District Judge dated 24.7.07 rejecting the application filed by the present petitioner for amendment of the plaint pending decision of regular civil appeal. The respondent-plaintiff instituted a suit for partition against the present petitioner. The contesting parties are brothers. The decree has been passed granting share to the plaintiff so also to the present petitioner. For the first time an objection is being raised in an appeal arising out of decree passed in the suit filed in the year 1996 that necessary parties were not joined in the suit. The first appellate court has found that very many applications are moved by the present petitioner for one reason or the other solely with a view to delay the decision of the appeal as there operates stay of the decree in favour of the present petitioner. The first appellate court having found that the filing of the application for amendment itself is dishonest attempt on the part of the petitioner to protract the proceedings of the appeal the application has been rejected. Perused the order. Same does not call for interference. Hence writ petition is summarily dismissed.

12.9.07